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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 **ALBERTO ZUNIGA,**) **NO. CV 17-3510-CAS (KS)**
11 **Petitioner,**)
12 **v.**) **ORDER ACCEPTING FINDINGS AND**
13 **WARREN MONTGOMERY, Warden,**) **RECOMMENDATIONS OF UNITED**
14 **Respondent.**) **STATES MAGISTRATE JUDGE**
15 _____)
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18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas
19 Corpus (“Petition”), all of the records herein, the Report and Recommendation of United States
20 Magistrate Judge (“Report”), Petitioner’s Opposition to Respondent’s Motion To Dismiss the
21 Petition (“Opposition”) filed on February 7, 2018, and Petitioner’s Objections to the Report filed
22 on February 26, 2018. Pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), the
23 Court has conducted a *de novo* review of those portions of the Report to which objections have
24 been stated.

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26 Having completed its review, the Court concludes that the arguments presented in the
27 Objections do not affect or alter the analysis and conclusions set forth in the Report. However,
28 in light of Petitioner’s Opposition, which was filed the day before the Report was issued but was

1 not entered onto the docket until after the Report was issued, in adopting the Report, the Court
2 makes the following amendments to the Report for the sake of clarity:

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4 (1) page 3, line 1 of the Report, the following phrase is deleted: “has not received any
5 further filings from Petitioner and”;

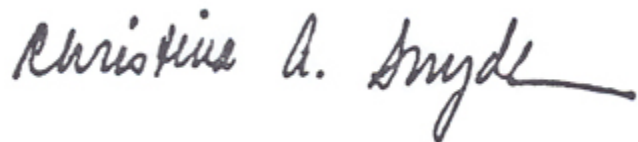
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7 (2) page 6, line 18, the word “timely” is added after the phrase “Petitioner filed no . . .”
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9 (3) page 6, line 19, the following phrase is deleted: “unopposed and”;
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11 (4) page 11, line 9, the following sentence is added: “Petitioner filed an Opposition to
12 Respondent’s Motion on February 7, 2018 (Dkt. No. 28), which was entered on the
13 docket on February 14, 2018, but the Opposition provides no basis to find Petitioner’s
14 claims timely and the belated filing nonetheless was not in compliance with the
15 Court’s order.”
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17 Having completed its review, the Court accepts the findings and recommendations set
18 forth in the Report. Accordingly, IT IS ORDERED that: (1) the Petition is DENIED; and (2)
19 Judgment shall be entered dismissing this action with prejudice.
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22 DATED: March 16, 2018



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24 CHRISTINA A. SNYDER
25 UNITED STATES DISTRICT JUDGE
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